

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANDRE COLEMAN, et al.,

Plaintiffs,

Case No. 06-12485

v.

Honorable Patrick J. Duggan

JENNIFER GRANHOLM, et al.,

Defendants.

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**OPINION AND ORDER DENYING PLAINTIFF PERCIVAL'S  
MOTION FOR A TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION (Doc. No. 93.)**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on July 24, 2008.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

This is a *pro se* civil rights action filed pursuant to 42 U.S.C. §§ 1983 and 1985. Plaintiffs are five state prisoners currently incarcerated in the Alger Maximum Correctional Facility in Munising, Michigan, the Huron Valley Complex in Ypsilanti, Michigan, and the Marquette Branch Prison in Marquette, Michigan. In their complaint, Plaintiffs allege constitutional violations relating to their alleged denial of appliances (specifically radios previously permitted in segregation), inhumane conditions in segregation units, uncomfortable shoes, inadequate toothpaste, use of bright lights in cells up to and exceeding 18 hours a day, limits on the time frame for appealing charges of

major misconduct, and denial of access to the courts. (*See* Doc. No. 23, First Am. Compl.)

The Court referred all pre-trial matters to Magistrate Judge Steven D. Pepe on October 4, 2007. On December 21, 2007, Defendant Leon Percival filed his fourth motion for a temporary restraining order and preliminary injunction. (Doc. No. 93.) On June 30, 2008, Magistrate Judge Pepe issued a Report and Recommendation (“R&R”) recommending that Plaintiff’s motion be denied. (Doc. No. 137.) At the conclusion of the R&R, Magistrate Judge Pepe advised Plaintiff Percival that he may object and seek review of the R&R within ten days of service upon him. He further specifically advises Plaintiff Percival that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” R&R 5 (citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Howard v. Secretary of HHS*, 932 F.2d 505 (6th Cir. 1991); and *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)). Plaintiff Percival has not filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusion reached by Magistrate Judge Pepe.

Accordingly,

**IT IS ORDERED** that Plaintiff Percival’s motion for a temporary restraining order and preliminary injunction (Doc. No. 93) is **DENIED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
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#220239  
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P.O. Box 600  
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Magistrate Judge Steven D. Pepe